

CARE FOR POLICE SURVIVORS ACT OF 1998

APRIL 1, 1998.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. MCCOLLUM, from the Committee on the Judiciary,
submitted the following

REPORT

[To accompany H.R. 3565]

[Including cost estimate of the Congressional Budget Office]

The Committee on the Judiciary, to whom was referred the bill (H.R. 3565) to amend Part L of the Omnibus Crime Control and Safe Streets Act of 1968, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

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PURPOSE AND SUMMARY

H.R. 3565 amends part L of the Omnibus Crime Control and Safe Streets Act of 1968, relating to public safety officers' death benefits. The bill amends part L in two ways.

First, the bill authorizes the Director of the Bureau of Justice Assistance to expend not less than \$150,000 out of the Public Safety Officers' Benefits (PSOB) program to maintain and enhance na-

tional peer support and counseling programs to assist families of public safety officers who have died in the line of duty. Current law limits or caps the amount the Director can spend for these purposes to \$150,000. This amendment will not require any new funding for the Bureau; it simply allows the Bureau to spend the funding it now receives on these support services.

Second, the bill would reduce the current backlog of cases pending before the Public Safety Officers' Benefits Office by authorizing the expenditure of PSOB program funds on outside hearing officers. Under current law, the PSOB Office must wait an unreasonably long time for the availability of a Justice Department hearing officer to hear the appeal of a family member whose application for death benefits has been turned down. By permitting the PSOB Office to use its program funds to pay various expenses related to the appeals of rejected death and disability claims, the agonizing wait of family members attempting to be heard on their claims will be shortened. Again, this change does not increase the overall cost of the PSOB program to taxpayers.

BACKGROUND AND NEED FOR THE LEGISLATION

In 1976, Congress passed the "Public Safety Officers" Benefits Act." It authorized the Department of Justice to pay a monetary benefit to specified survivors of public safety officers found to have died as the direct and proximate result of a personal injury sustained in the line of duty and to officers found to have been permanently and totally disabled as the direct result of a catastrophic injury sustained in the line of duty. This program is administered by the Public Safety Officers' Benefits Office within the Bureau of Justice Assistance.

To date, the Justice Department has paid out approximately \$300 million to more than 4,000 families. Approximately \$130,000 is the amount currently awarded to the survivors of a public safety officer who dies in the line of duty. In fiscal year 1998, the PSOB Office received \$32 million for survivor benefits out of which it expects to pay \$25 million to qualifying families.

The Act also authorizes the expenditure of funds up to \$150,000 per year to establish national programs to assist the families of public safety officers who have died in the line of duty. The PSOB Office currently awards this amount to Concerns of Police Survivors (COPS). This organization provides a variety of important services to family members of police officers who lose their lives in the line of duty. In addition to individualized care and comfort extended to these family members through its national affiliates, COPS holds special training programs and seminars to benefit families of fallen officers. For example, each year during National Police Week, COPS conducts "grief seminars" for surviving parents, spouses, children, and siblings. It also conducts "Line of Duty Death Training" year-round for police departments to help them understand the concerns and needs of police survivors.

The PSOB Office also annually obtains funding from the discretionary Byrne grant program in order to give additional funds to the COPS organization and to provide funding for firefighter survivor assistance. Moreover, the National Fallen Firefighters Foundation receives a grant of \$150,000 to do work similar to the COPS

activities. Since the PSOB Act limits the amount of PSOB program dollars that may be spent for these purposes to \$150,000, the Office must secure this additional assistance from other sources within the Bureau of Justice Assistance such as the Byrne grant program.

H.R. 3565 amends the PSOB Act in two ways. First, it lifts the cap on the amount of funds that can be awarded from PSOB program funding to organizations offering the services described above. It assures that no less than \$150,000 will be spent for such purposes. This will allow the PSOB Office to use its leftover program monies on support activities without having to rely on the uncertainty of assistance from other grant programs.

The second purpose of the bill is to allow the PSOB Office to use its program funding to contract with hearing officers outside of the Department of Justice in order to expedite the review process. Survivors who are denied a monetary benefit may request a hearing for reconsideration. These hearings are conducted where the survivors live and normally last about five days. Because of the unavailability of hearing officers, these hearings often are delayed significantly. By allowing the PSOB Office to use its program funds to hire outside hearing officers, the Office can expedite the appeals process.

HEARINGS

No hearings were held on H.R. 3565.

COMMITTEE CONSIDERATION

On March 26, 1998, the Subcommittee on Crime met in open session and considered a Committee Print of H.R. _____, the "Care for Police Survivors Act of 1998," and by voice vote, a quorum being present, ordered favorably reported to the full Committee a clean bill. This Committee Print was introduced on March 26, 1998 as H.R. 3565, referred the same day to the full Committee, and there held. On April 1, 1998, the Committee met in open session and ordered reported favorably the bill H.R. 3565 without amendment by voice vote, a quorum being present.

VOTE OF THE COMMITTEE

There were no recorded votes on H.R. 3565.

COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 2(1)(3)(A) of rule XI of the Rules of the House of Representatives, the Committee reports that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report.

COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT FINDINGS

No findings or recommendations of the Committee on Government Reform and Oversight were received as referred to in clause 2(1)(3)(D) of rule XI of the Rules of the House of Representatives.

NEW BUDGET AUTHORITY AND TAX EXPENDITURES

Clause 2(l)(3)(B) of House rule XI is inapplicable because this legislation does not provide new budgetary authority or increased tax expenditures.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

In compliance with clause 2(l)(3)(C) of rule XI of the Rules of the House of Representatives, the Committee sets forth, with respect to the bill, H.R. 3565, the following estimate and comparison prepared by the Director of the Congressional Budget Office under section 403 of the Congressional Budget Act of 1974:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, April 16, 1998.

Hon. HENRY J. HYDE,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 3565, the Care for Police Survivors Act of 1998.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Mark Grabowicz.

Sincerely,

JAMES L. BLUM
(For June E. O'Neill, Director).

Enclosure.

H.R. 3565—Care for Police Survivors Act of 1998

CBO estimates that enacting this legislation would result in additional costs to the federal government of about \$1 million annually, beginning in fiscal year 1998. Because the bill would increase direct spending, pay-as-you-go procedures would apply. H.R. 3565 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act of 1995 and would have no impact on the budgets of state, local, or tribal governments.

Current law provides an indefinite mandatory appropriation for the Bureau of Justice Assistance (BJA) to pay death benefits to the families of public safety officers killed in the line of duty. These funds also can be used to spend up to \$150,000 each year to support and counsel the families of slain officers. H.R. 3565 would authorize BJA to spend no less than \$150,000 annually for support and counseling. In addition, the bill would apparently permit BJA to use funds provided in the mandatory appropriation to administer appeals of claims for benefits. Currently, these costs are paid from funds provided through discretionary appropriations.

According to BJA, removing the \$150,000 cap would increase expenditures by about \$850,000 each year, to be spent from the indefinite authority for mandatory appropriations. CBO expects that BJA would spend the annual total of about \$1 million near the end of each fiscal year—just as it currently spends the capped funds—in grants to organizations that provide counseling and related serv-

ices. Costs relating to appeals—about \$75,000 annually—also would be paid out of the mandatory account, with a matching reduction in discretionary spending. Thus, enacting H.R. 3565 would increase direct spending by nearly \$1 million annually.

The CBO staff contact for this estimate is Mark Grabowicz. This estimate was approved by Robert A. Sunshine, Deputy Assistant Director for Budget Analysis.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to rule XI, clause 2(l)(4) of the Rules of the House of Representatives, the Committee finds the authority for this legislation in Article 1, section 8 of the Constitution.

SECTION-BY-SECTION ANALYSIS

Section 1. Short Title. Section 1 of the bill states the short title of the bill as the “Care for Police Survivors Act of 1998.”

Section 2. Amendments to the Public Safety Officers’ Death Benefits. Section 2 of the bill sets forth the amendments made by the bill to part L of the Omnibus Crime Control and Safe Streets Act of 1968.

Section 2(a) of the bill amends section 1203 of part L of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796a–1) by deleting existing paragraph (1) from section 3796(a) and replacing it with a new paragraph. The text of new paragraph (1) is essentially the text of existing paragraph (1), except that the cap on the amount authorized to establish national programs to assist the families of public safety officers who have died in the line of duty has been deleted. Whereas the existing paragraph authorizes the Director of the Bureau of Justice Assistance of the National Institutes of Justice to use up to \$150,000 of the funds appropriated to establish such programs, new paragraph (1) authorizes the Director to use no less than \$150,000 of the funds appropriated for this part to maintain and enhance national peer support and counseling programs to assist families of public safety officers who have died in the line of duty.

Section 2(b) of the bill amends section 1205 of part L of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796c) by adding at the end new subsection (c). New subsection (c) authorizes the Bureau of Justice Assistance, notwithstanding any other provision of law, to use appropriated funds to conduct appeals of public safety officers’ death and disability claims.

The Committee does not expect these amendments to necessitate an increase in the appropriation for the PSOB program. The PSOB Office does not currently expend all of the funding it receives each year. The cost of the activities authorized in this bill are well below the amount of the Office’s unexpended funds.

AGENCY VIEWS

No agency views were received on H.R. 3565.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

**OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF
1968**

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TITLE I—JUSTICE SYSTEM IMPROVEMENT

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PART L—PUBLIC SAFETY OFFICERS' DEATH BENEFITS

Subpart 1—Death Benefits

* * * * *

**NATIONAL PROGRAMS FOR FAMILIES OF PUBLIC SAFETY OFFICERS WHO
HAVE DIED IN THE LINE OF DUTY**

SEC. 1203. [The director is authorized and directed to use up to \$150,000 of the funds appropriated for this part to establish national programs to assist the families of public safety officers who have died in the line of duty.] *The Director is authorized to use no less than \$150,000 of the funds appropriated for this part to maintain and enhance national peer support and counseling programs to assist families of public safety officers who have died in the line of duty.*

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ADMINISTRATIVE PROVISIONS

SEC. 1205. (a) * * *

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(c) Notwithstanding any other provisions of law, the Bureau is authorized to use appropriated funds to conduct appeals of public safety officers; death and disability claims.

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